

## List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

## Proposed Regulation Promulgation

## PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter

I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following plant, in

alphabetical order, under the family Asteraceae, to the List of Endangered and Threatened Plants

## § 17.12 Endangered and threatened plants.

(h) \* \* \*

Scientific name	Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Asteraceae—Aster family							
<i>Solidago spithamea</i>		Blue Ridge goldenrod	U.S.A. (NC, TN)	T		NA	NA

Dated: July 3, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-19301 Filed 7-20-84; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Dicerandra Immaculata* (Lakela's Mint)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The Service proposes to determine *Dicerandra immaculata* (Lakela's mint), a small plant in the mint family, to be an endangered species. *Dicerandra immaculata* is endemic to a very small area of ancient dunes near the Atlantic Coast in St. Lucie and Indian River Counties, Florida. All known colonies of *Dicerandra immaculata* occur on private property. The continued existence of this plant is endangered by sand mining, a fungal disease which attacks the seeds, and by the development of commercial and residential communities on the line of ancient dunes between Vero Beach and Fort Pierce. This proposal, if made final, would implement Federal protection and recovery provisions afforded by the Endangered Species Act of 1973, as amended, for *Dicerandra immaculata*.  
**DATES:** Comments from all interested parties must be received by September 21, 1984.

Public hearing requests must be received by September 6, 1984.

**ADDRESSES:** Interested persons, organizations, and agencies are requested to submit comments to the Field Supervisor, Endangered Species

Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and material relating to this proposal are available for public inspection, by appointment, during normal business hours (7:00 a.m.-4:30 p.m.) at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael M. Bentzien at the above address (904791-2580 and FTS 946-2580), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771 or FTS 235-2771).

**SUPPLEMENTARY INFORMATION:****Background**

*Dicerandra immaculata* (Lakela's mint) is a low-growing, dome-shaped shrub of the mint family (Lamiaceae). The plants reach 38 centimeters (15 inches) in height, and bear erect flowers, in small cymes, at the tips of the stems. The spotless, lavender-rose to purplish (rarely white) corolla of the flower separates *Dicerandra immaculata* from other species of this genus occurring in the southeastern United States. *Dicerandra immaculata* was described by Olga Lakela in 1963, based on material collected in southern Indian River County, Florida, in 1962. The species is restricted to coastal sand pine scrub vegetation in Indian River and St. Lucie Counties, Florida. Florida sand scrub habitats are found on relict dunes along former ocean shorelines. The soils consist of highly drained, sterile sands.

In *Dicerandra immaculata* habitat, sand pine (*Pinus clausa*) forms an

overstory, while oaks (*Quercus geminata*, *Q. virginianam*, and *Q. myrtifolia*) form an understory. Other small trees or shrubs found in this plant community include scrub hickory (*Carya floridana*), cabbage palm (*Sabal palmetto*), saw palmetto (*Serenoa repens*), hog plum (*Ximenia americana*), and tough bumelia (*Bumelia tenax*). Epiphytes (*Tillandsia fasciculata* and *T. recurvata*) are present. *Dicerandra immaculata* is one of the rarest plants known from the sand scrub community type. Rare animals found in *Dicerandra immaculata* habitat include the Florida scrub jay (*Aphelocoma c. coerulescens*) and the scrub lizard (*Sceloporus woodi*). The Florida scrub jay is considered a threatened species by the State of Florida; the scrub lizard is considered rare by the Florida Committee on Rare and Endangered Plants and Animals.

Only 10 colonies of *Dicerandra immaculata* are known. They occur in an area 0.8 kilometers (0.5 mile) wide by 4.8 kilometers (3 miles) in Indian River and St. Lucie Counties, Florida, between the cities of Vero Beach and Fort Pierce. The plants occur in the vicinity of four small sandhills, with an elevation over 14 meters (45 feet), representing ancient coastal dunes. *Dicerandra immaculata* occurs on soil series of the Astatula, Paola, and St. Lucie sands. All known colonies occur on private property. The continued existence of this species is threatened by sand mining, commercial and residential development, and a fungal disease affecting the seeds.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the



Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. The Secretary of the Smithsonian presented this report (House Document No. 94-51) to Congress on January 9, 1975. On July 1, 1975, the Director published a notice of review in the *Federal Register* (40 FR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the Act. On June 16, 1976, the Director published a proposed rule in the *Federal Register* (42 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. *Dicerandra immaculata* was included in the Smithsonian report, the July 1, 1975, notice of review, and the June 16, 1976, proposal.

The 1978 Endangered Species Act Amendments required that all proposals over 2 years old be withdrawn, except that a 1 year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the June 6, 1976, proposal, along with four other proposals which had expired (44 FR 70796). On December 15, 1980, the Service published a revised notice of review in the *Federal Register* (45 FR 82479); *Dicerandra immaculata* was included in Table 3 as a category 1 species. Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the Act, as amended, further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Dicerandra immaculata* because of the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983, the Service found that the petition for *Dicerandra immaculata* was warranted, and that although pending proposals had precluded proposal of *Dicerandra immaculata*, expeditious progress was being made to add this species to the list. This finding was published in the *Federal Register* on January 20, 1984 (49 FR 2485). Publication of this proposal constitutes the next one year finding requirement of October 13, 1984.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983)

set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Dicerandra immaculata* Lakela (Lakela's mint) are as follows:

#### A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

*Dicerandra immaculata* is known only from a 0.8 kilometers (0.5 mile) by 4.8 kilometers (3 miles) area in Indian River and St. Lucie Counties, Florida, between the cities of Vero Beach and Fort Pierce. Only 10 colonies of the plant are known; these are considered to represent a single population. All of the colonies occur on private land suitable for residential or commercial development. Most of one colony was recently destroyed by commercial development. Another site has been partially destroyed by clearing and construction of houses in a platted subdivision. Two other colonies are threatened by sand mining. This commercial and residential development has occurred in the last 2 years and such activities are expected to continue in the near future, affecting most or all of the remaining colonies of *Dicerandra immaculata*.

#### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.

Not applicable.

#### C. Disease or Predation

*Dicerandra immaculata* is subject to mildew attack, which destroys the viability of the seeds before they are dispersed (Robinson, 1981).

#### D. The Inadequacy of Existing Regulatory Mechanisms.

No Federal, State, or local laws or regulations protect *Dicerandra immaculata* or its habitat at present.

#### E. Other Natural or Manmade Factors Affecting its Continued Existence

Peninsular Florida has one of the highest human population growth rates in the United States. The current heavy development pressures on the limited uplands can be expected to intensify in the area in which *Dicerandra immaculata* occurs.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to prepare this rule. Based on this evaluation, the preferred action is to list *Dicerandra immaculata* as endangered. The few remaining colonies

of this species are continuing to decline and the plant is in danger of extinction throughout its range. Critical habitat is not being proposed for *Dicerandra immaculata*; the reason for this decision is discussed in the following section.

#### Critical Habitat

Section (a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. This species is found only on small areas of privately-owned lands, where no Federal involvements are known at present. Publication of critical habitat maps in the *Federal Register* could attract attention to the limited remaining areas where *Dicerandra immaculata* occurs, subjecting the remaining sites to vandalism. The resultant attention could also encourage increased trespassing and Frustrate property owners. Should future Federal activities take place in the areas in which *Dicerandra immaculata* occurs, the Service feels that such activities will be brought to the Service's attention without the designation of critical habitat.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with States and requires that recovery actions be carried out for all listed species. Recovery actions are initiated by the Service following listing. The protection required by Federal agencies is discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their action with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to informally confer with the Service on any action that is likely to jeopardize the continued existence of a proposed



species or result in destruction or adverse modification of proposed critical habitat. When a species is listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of such a species. If a Federal action may affect the species, the Federal agency involved must enter into consultation with the Service. No Federal involvements affecting *Dicerandra immaculata* are known at present.

The act and implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions which apply to all endangered plant species. With respect to *Dicerandra immaculata*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide activities involving endangered plant species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since the species is not cultivated nor common in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. *Dicerandra immaculata* is not known to occur in any area under Federal jurisdiction, so this prohibition would not apply. Requests for copies of the regulations on plants, and inquiries regarding them, may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

#### Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of each endangered or threatened species. Therefore, any comments or suggestions from the public, other

concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Dicerandra immaculata*;

(2) The location of any additional populations of *Dicerandra immaculata* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on *Dicerandra immaculata*.

Final promulgation of the regulation on *Dicerandra immaculata* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such request must be made in writing and addressed to the Field Supervisor, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207.

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

#### Literature Cited

Austin, D.F., C.E. Nauman, and B.E. Tatje. 1980. Endangered and threatened plant survey in southern Florida and the National Key Deer and Great White Heron National Wildlife Refuges, Monroe County, Florida. Report submitted to U.S. Fish and Wildlife Service, Atlanta, Georgia.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. Vol. II: Aquifoliaceae through Asteraceae. U.S.D.A. Forest Service Publication R8-TP2.

Lakela, O. 1963. *Dicerandra immaculata* Lakela, sp. nov. (Labiatae). Sida 1(3):184-185.

Robinson, A.F., Jr. 1981. *Dicerandra immaculata*. Status review prepared for U.S. Fish and Wildlife Service files. Jacksonville Endangered Species Field Station, Jacksonville, Florida.

#### Authors

The primary author of this proposed rule is Dr. Michael M. Bentzien, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2737 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580). Dr. Andrew F. Robinson, Jr., U.S. Fish and Wildlife Service, 500 NE Multnomah Street, Portland, Oregon 97232, and Dr. Gail S. Baker, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99501, prepared preliminary listing documents on which this proposed rule is based. Ms. E. LaVerne Smith served as editor.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Proposed Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-150, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 et seq.).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order, under Lamiaceae, to the List of Endangered and Threatened Plants:

#### § 17.12 Endangered and threatened plants.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Lamiaceae—Mint family:						
<i>Dicerandra immaculata</i>	Lakela's mint	U.S.A. (FL)	E		NA	NA



—Continued

Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Scientific name						

Dated: July 6, 1984.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-19300 Filed 7-20-84; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR 20

## Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks

## Correction

In FR Doc. 84-18124 beginning on page 28026 in the issue of Monday, July 9, 1984, make the following correction.

On page 28026, first column, in the "DATES" paragraph, line 3, "July 8, 1984" should read "July 18, 1984."

BILLING CODE 1505-01-M

## 50 CFR Part 23

## Export of American Ginseng Harvested in 1984 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of proposed findings.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the international trade in certain animal and plant species. Export of animals and plants listed in Appendix II of CITES may occur only if the Scientific Authority (SA) has advised the permit-issuing Management Authority (MA) that such exports will not be detrimental to the survival of the species, and if the MA is satisfied that the animals or plants were not obtained in violation of laws for their protection.

This notice announces proposed findings by the United States SA and MA for the export of American ginseng from certain States that have not yet received export approval for the 1984 season.

The Service began to make multi-year findings for the export of American ginseng on a State-by-State basis in 1982 when it issued SA and MA findings covering the 1982-84 seasons. Certain States had not been granted multi-year export approval because they had not satisfied the MA guidelines. The Service requests information and comments on whether 1984 export approval should be

granted to this later group of States that have satisfied both the SA and MA guidelines. The Service also requests information on the population status of the species, the environmental and economic impacts that might result from the findings, and possible alternative approaches to meeting CITES requirements.

**DATE:** The Service will consider information and comments received by August 7, 1984, in making its proposed findings and rule.

**ADDRESS:** Please send correspondence concerning this notice to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Federal Wildlife Permit Office, Room 620, 1000 N. Glebe Road, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Scientific Authority: Dr. Richard L. Jachowski, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5948.

Management Authority: Mr. Thomas J. Parisot, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203, telephone (703) 235-1937.

**SUPPLEMENTARY INFORMATION:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the international trade in CITES listed species. Export of species listed in Appendix II of CITES may only occur upon approval of both a Scientific Authority and Management Authority of the countries of export. In the United States, Scientific and Management Authority responsibilities are assigned to the Secretary of the Interior and are carried out by the Fish and Wildlife Service. This notice concerns the Service's finding on export of American ginseng (*Panax quinquefolius*) taken in the 1984 season, with particular reference to States for which the export of ginseng taken in that season has not already been

approved (see 47 FR 43704, Oct. 4, 1982, and 48 FR 45775, Oct. 7, 1983).

In 1982, the Service reported that it had found that the status of wild ginseng does not vary greatly from year to year within any given State, and that information compiled to date was adequate to justify multi-year findings under CITES. As described in the October 4, 1982, notice (47 FR 43701), the Service used information compiled since 1977 to make multi-year findings under CITES. Even though findings were made approving the export of ginseng harvested in certain States in the 1982-84 seasons, the Service indicated it would continue to monitor the status of ginseng each year, and would retain the option of revising the findings at any time if new information showed the need for a change. The Service now requests current information of the types listed below for the purpose of such monitoring. In addition, the Service will also consider any biological and harvest information submitted concerning those States that are not currently approved and are seeking export approval for ginseng harvested in 1984. Information submitted in the past need not be resubmitted if it is incorporated by reference and its validity is re-affirmed. The State of Vermont has recently submitted information in support of a request for export approval of wild ginseng harvested from the State in 1984.

## Request for Information and Comments

The Service recognizes that a public comment period for this proposed notice is important and looks forward to receiving all and every public comment possible concerning the Federal actions described in this notice. However, a standard 30-day comment period would provide an additional delay in publishing the final findings for the 1984 ginseng harvest season. This may adversely affect the harvest season already under way in the States awaiting export approval. A further delay may also adversely impact State conservation programs for this species by reducing compliance with State



certification, documentation, and reporting requirements.

The Service, therefore, finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, to grant a 15-day public comment period on these proposed findings.

#### Scientific Authority Findings (SA)

Under CITES the SA must make a finding that ginseng export will not be detrimental to the survival of the species. To make this determination, the SA will consider the following general criteria:

(1) Whether similar export has occurred in the past and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem;

(2) Whether harvest and export are expected to increase, decrease, or remain constant; and

(3) Whether the life history of the species and the structure and function of its place in its ecosystem indicate that the present or proposed level of export will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

For ginseng, the determination of whether export will not be detrimental to the survival of the species is based on an evaluation of the following information concerning each affected State (see notice of Apr. 5, 1982; 47 FR 14666):

(1) Historic, present and potential distribution of ginseng on a county basis, using county or township outline maps, and indicating the source(s) and accuracy of this information. Also to be considered is the distribution of preferred or potential habitat on a regional or Statewide basis, indicating recent trends in loss or protection of habitat.

(2) Approximate number or density of ginseng populations per county or region, and the approximate number of all known ginseng localities in the State, including also the source of this information;

(3) Average number of plants per population or patch, or local abundance of wild ginseng on a county or regional basis in the State, indicating the source(s), general reliability, and accuracy of the information. Also to be considered are any changes from previous years or differences from historical population sizes.

(4) An assessment of population trends on a county or regional basis and

an indication if populations of ginseng are believed to be increasing, decreasing, stable, extirpated, or unknown. Included in this assessment is the source(s) and general reliability and accuracy of this information;

(5) An assessment of harvest intensity on a county or regional basis indicating if the relative collecting intensity is heavy, moderate, light, none, or unknown, and any changes from previous years. Also to be considered should be the known or estimated number of ginseng collectors in the State.

(6) A county map showing those counties in which ginseng is reported to be commercially cultivated, including statewide amount of cultivated ginseng reported to be harvested and certified for export.

(7) Number of roots per pound harvested, on a county or regional basis or, if these are not available, on a Statewide basis. Also to be considered is an assessment of any trend in wild root sizes or number of roots per pound over previous years.

(8) The State's current research program on ginseng and its progress, including a summary of results so far obtained;

(9) A description of the State's harvest practices and controls, including regulations on length of harvest season, any harvest restrictions such as size and age of collected plants, and any seed planting requirements.

#### Management Authority Findings

In addition to the SA advice that the ginseng exports will not be detrimental to the survival of the species, the MA must be satisfied that ginseng exported was not obtained in contravention of laws for its protection.

Criteria used by the MA in determining if a State program qualifies for export are that the State has implemented the following regulatory measures and supplied certain information to the Service (Relisted from notice of July 10, 1980 (45 FR 46464)):

(1) State licensing or regulation of dealers purchasing or selling ginseng in the State;

(2) State requirements that these licensed or registered ginseng dealers maintain true records of their commerce in ginseng, and report such commerce to the State;

(3) Inspection and certification by State personnel of all ginseng shipments from the State. This certification is necessary to authenticate that the ginseng was legally taken from wild or cultivated sources within the State. Experience has shown the value of a State official inspection and certification

program which can document that the weight of the roots in question were legally taken from the wild or artificially propagated in that State.

In order to determine if these criteria are met, the Service reviews the following extant information or materials from each affected State:

(a) A copy of the State ginseng law and regulations;

(b) State dealer, grower, or digger license or registration rules;

(c) Cost of license or registration;

(d) Date of harvest season and season of selling/buying operations;

(e) Dealer records, maintenance and reported requirements;

(f) Samples of current year dealer certificates and reporting forms;

(g) Sample of current year State certificate of legal take and origin;

(h) Sample of diggers license, if any, indicating cost of license and dates this license is effective;

(i) Description of State certification system for wild and cultivated ginseng legally harvested within the State, including controls to minimize uncertified ginseng from moving into or from the State; and

(j) Name, address, and telephone number of the State person to contact concerning such information.

In the notice of December 4, 1982, (45 FR 80444) the Service announced that the MA would approve export of artificially propagated ginseng only from States approved for export of wild-collected ginseng because those States had the program necessary to document the source of the roots. The Service also then announced that it would approve the export of artificially propagated ginseng from other States if an approved program and acceptable procedures have been implemented to minimize the risk that wild-collected plants would be exported as cultivated.

The Service previously noted (47 FR 3869) that, beginning with the 1983 harvest season, the MA would require each State seeking export approval for wild or cultivated ginseng to have a legally established ginseng program requiring that a State official examine and certify all ginseng transported out of the State.

This certification must verify State of origin, legal take, year of take, weight of shipment, whether the roots were taken from the wild or artificially propagated, date of certification, shipment number, dealer's State registration number, and signature of both the dealer and State certifying official. The Service believes that a program of State inspection remains the proper method of insuring legal ginseng export. However, in an



attempt to examine other possible methods, the Service will consider the adequacy of programs other than State examination of ginseng leaving the State. Such a proposed system must offer the same assurances as does an actual examination of the shipment and dealers' records of origin, legal take and whether wild or cultivated roots are involved in the shipment.

#### Previous Export Approval

The Service decided in 1982 (47 FR 43701) to grant multi-year export approval for 1982-84 only to States with a legally regulated ginseng program that provided for a State inspection and certification system and that satisfied all other criteria of both the SA and MA. These findings were reaffirmed and export from certain additional States was approved on October 7, 1983, (48 FR 45775) and on March 19, 1984 (49 FR 10123). Currently, export approvals are as follows:

1982 through 1984 harvests: Arkansas, Georgia, Illinois, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Vermont (artificially propagated only), Virginia, West Virginia, and Wisconsin (wild only). The Service approved export of ginseng lawfully taken during the 1982-84 seasons for these States because they fully met MA criteria.

1982-83 harvests only: Indiana, Tennessee, and Wisconsin (artificially propagated only).

Ginseng from States approved only for the export of the 1982-83 legally harvested ginseng were not granted further export approval until an acceptable ginseng program was developed. The Service did not grant general approval for exports of American ginseng taken from the States other than those listed above during the 1982-84 harvest seasons.

Indiana has recently implemented an acceptable State Ginseng Export program. Wisconsin has proposed an experimental export program that it claims will offer the same legal assurance as the standard State certification program required by the Service. This program includes the annual measurement of cultivated ginseng gardens by a county tax assessor, and certification to the State of all ginseng commerce by growers and dealers. The appropriate State officials are to spot check these procedures and examine collected records of ginseng commerce from all State dealers and growers. These compiled records of ginseng commerce are then to be sent to the Federal Wildlife Permit Office for review analysis. A Service decision will be made prior to the 1985 harvest season

whether to continue the approval of this Wisconsin export program. The Service proposes to grant 1984 United States export approval for these two States.

The Vermont Department of Agriculture recently submitted information to both the SA and MA in support of export approval of wild ginseng harvested in that State. This information is a status report entitled "American ginseng in Vermont" (Dec. 1, 1983) which presents a summarization of a 1983 literature review and field survey information of the type requested by the SA to facilitate the making of a non-detriment finding. This report also explains its export control program to assure the MA of the legality of the Vermont-harvested, State-certified ginseng. In response, the Service is considering granting export approval for 1984 harvested Vermont wild ginseng. The Service's ginseng export findings for all States will be re-evaluated in 1985.

#### Request for Information and Comments

The Service requests information and comments on the requirements for demonstrating that ginseng is not harvested in contravention of laws for its protection and that it originates in particular States. Information is also needed to determine if export will not be detrimental to the survival of the species.

The Service also requests information on environmental and economic impacts and effects on small entities (including small business, small organizations, and small governmental jurisdictions) that would result from findings for or against export approval. This information will aid the Service in complying with requirements of the National Environmental Policy Act, Executive Order 12291, and the Regulatory Flexibility Act, and in preparing any required analyses of effect. The Service determined that the findings for the 1981-82, and 1983 harvest seasons were not a major rule under Executive Order 12291 and did not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. For ginseng, exporters normally derive their product from the ginseng harvested in a number of States. Therefore, the approval or disapproval of export from any one State would not significantly affect the industry. For the 1984 harvest, the Service has analyzed the impacts and concluded that the determinations made for the 1981, 1982, and 1983 seasons are unchanged. These findings do not contain information collection or recordkeeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

The notice of proposed findings is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884, as amended), and was prepared by S. Ronald Singer, Federal Wildlife Permit Office.

#### List of Subjects in 50 CFR Part 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plants (Agriculture), Treaties.

Accordingly, it is proposed to amend Part 23 of Title 50, *Code of Federal Regulations*, as set forth below:

### PART 23—ENDANGERED SPECIES CONVENTION

#### Subpart F—Export of Certain Species

In § 23.51, revise paragraph (e) to read as follows:

##### § 23.51 American ginseng (*Panax quinquefolius*)

(e) 1982 through 1984 harvests: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Vermont (artificially propagated only), Virginia, West Virginia, Wisconsin.

1982-83 harvest only: Tennessee.  
1984 harvest only: Vermont (wild).

*Conditions on findings:* Roots must be documented as to State of origin and season of collecting. Wild and artificially propagated roots must be certified by the State as legally collected and such certification must be presented upon export.

Dated: June 27, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

##### 50 CFR Part 669

#### Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearings and request for comments; addition of a public hearing.

SUMMARY: In reference to a notice of public hearings for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands that was published



June 20, 1984, 49 FR 25258, the Caribbean Council has added another public hearing.

**DATE:** An additional hearing has been scheduled for July 23, 1984. It will convene at 2:00 p.m.

**ADDRESS:** The hearing will be held at the City Hall Conference Room, Aguadilla, Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:** Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, 809-753-6910.

Dated: July 18, 1984.

**Carmen J. Blondin,**

*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-M**